

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

EQUITYBUILD, INC., EQUITYBUILD
FINANCE, LLC, JEROME H. COHEN, and
SHAUN D. COHEN,

Defendants.

Civil Action No. 1:18-cv-5587

Magistrate Judge John Z. Lee

**MORTGAGEES' UNOPPOSED MOTION FOR LEAVE TO FILE
MORTGAGEES' RESPONSE TO RECEIVER'S SEVENTH INTERIM APPLICATION
AND MOTION FOR COURT APPROVAL OF PAYMENT OF FEES AND EXPENSES
OF RECEIVER AND RECEIVER'S RETAINED PROFESSIONALS
IN EXCESS OF FIFTEEN PAGES**

The Mortgagees¹ respectfully request that this Court enter an order granting the Mortgagees leave to file Mortgagees' Response To Receiver's Seventh Interim Application And

¹The Mortgagees are Freddie Mac; Citibank N.A., as Trustee for the Registered Holders of Wells Fargo Commercial Mortgage Securities, Inc., Multifamily Mortgage Pass-Through Certificates, Series 2018-SB48; U.S. Bank National Association, as Trustee for the Registered Holders of J.P. Morgan Chase Commercial Mortgage Securities Corp., Multifamily Mortgage Pass-Through Certificates, Series 2017-SB30; U.S. Bank National Association, as Trustee for the Registered Holders of J.P. Morgan Chase Commercial Mortgage Securities Corp., Multifamily Mortgage Pass-Through Certificates, Series 2017-SB41; U.S. Bank National Association, as Trustee for the Registered Holders of J.P. Morgan Chase Commercial Mortgage Securities Corp., Multifamily Mortgage Pass-Through Certificates, Series 2018-SB50; Wilmington Trust, National Association, as Trustee for the Registered Holders of Wells Fargo Commercial Mortgage Trust 2014-LC16, Commercial Mortgage Pass-Through Certificates, Series 2014-LC16; Wilmington Trust, National Association, as Trustee for the benefit of the registered holders of UBS Commercial Mortgage Trust 2017-C1, Commercial Mortgage Pass-Through Certificates, Series 2017-C1; Federal National Mortgage Association ("Fannie Mae"); BMO Harris Bank N.A.; Midland Loan Services, a Division of PNC Bank, National Association; Midland Loan Services, a Division of PNC Bank, N.A. as servicer for Colony American Finance 2015-1; Midland Loan Services, a Division of PNC Bank, N.A. as servicer for Wilmington Trust, N.A., as Trustee for the Registered Holders of Corevest American Finance 2017-2 Trust, Mortgage Pass-Through Certificates, Series 2017-2; Midland

Motion For Court Approval Of Payment Of Fees And Expenses Of Receiver And Receiver's Retained Professionals ("Response") in excess of fifteen pages. Plaintiff United States Securities and Exchange Commission ("SEC") and the Receiver have consented to the relief sought in this Motion. In support of their Motion, the Mortgagees state as follows:

1. On July 28, 2020, the Receiver filed his Seventh Interim Application And Motion For Court Approval Of Payment Of Fees And Expenses Of Receiver And Receiver's Retained Professionals Sale Motion (the "Seventh Interim Application"), which is 27-pages in length plus 65-pages of exhibits.

2. Previously, on September 24, 2019, this Court entered its minute order [Dkt. 535] requiring all creditors-mortgagees to file single objections to the Receiver's motions. Therefore, the Mortgagees must file a single objection.

3. The Seventh Interim Application raise numerous issues, each of which must be individually addressed by the Mortgagees. These issues require detailed legal arguments and analysis regarding the Receiver's powers, the Mortgagees rights and interests, and the long procedural history of this case.

4. Due to the number of issues raised in the Seventh Interim Application, the Mortgagees' Response is 25 pages plus an exhibit. The Mortgagees therefore request leave to file their Objection in excess of the page limits provided by Local Rule 7.1.

5. Counsel for the Mortgagees have conferred with counsel for the SEC and the Receiver, who have indicated they do not object to the relief requested in this Motion.

Loan Services, a Division of PNC Bank, N.A. as servicer for Wilmington Trust, N.A., as Trustee for the Benefit of Corevest American Finance 2017-1 Trust Mortgage Pass-Through Certificates; BC57, LLC; UBS AG; Thorofare Asset Based Lending REIT Fund IV, LLC; and Liberty EBCP, LLC.; Direct Lending Partner LLC (successor to Arena DLP Lender LLC and DLP Lending Fund LLC)

WHEREFORE, the Mortgagees respectfully request that this Court enter an Order granting the Movants leave to file their Seventh Interim Application, which is in excess of 15 pages.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2020, I caused the foregoing **Mortgagees' Unopposed Motion for Leave to File Mortgagees' Response to Receiver's Seventh Interim Application and Motion for Court Approval of Payment of Fees And Expenses of Receiver and Receiver's Retained Professionals in Excess of Fifteen Pages** to be electronically filed with the Clerk of Court through the Court's CM/ECF system, which sent electronic notification of such filing to all parties of record.

/s/ Michael A. Gilman

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